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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,216	10/03/2003	Takayuki Uchida	031732	8587
23850	7590	04/14/2006	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP			VEILLARD, JACQUES	
1725 K STREET, NW			ART UNIT	PAPER NUMBER
SUITE 1000				
WASHINGTON, DC 20006			2165	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	10/677,216	
Examiner	UCHIDA, TAKAYUKI	
Jacques Veillard	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 October 2003.  
2a) This action is FINAL.                            2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-24 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 03 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/4/2005

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to the applicant's communication filed on 10/03/2003.
2. The preliminary amendment filed on December 28, 2004 has been entered.
3. Claims 1-24 are pending and presented for examination.

*Priority*

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. Japan 2002-291842, filed on 10/04/2002.

*Information Disclosure Statement*

5. The information disclosure statement (IDS) submitted on 05/04/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been placed in the application file and has been considered as to the merits.

*Drawings*

6. The drawings replacement sheet was received on December 28, 2004. These drawings are approved as to the merits.

*Claim Objections*

7. Claim 1 is objected to because of the following informalities: the limitation "said plurality of pieces of information pieces of information" recites in line 4, should be --said plurality of pieces of information--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2, 5, 6-8, 11, 17- 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 5 and 6 recite the limitation "said information" in line 2. There is insufficient antecedent basis for this limitation in the claim.

As per claim 7, the claim recites an information retrieving device comprising: a reading section removably carrying a recording medium hierarchically storing pieces of information and adapted to read information recorded on the recording medium as defined in claim 1. The meet unbalance of claim is not clear because incorporation by reference to another claim invokes the entire claim, which is being incorporated. Accordingly, there cannot be any inconsistency between the preamble of the claim incorporated by reference and the claim containing the incorporation. When such inconsistency exists, the claim is indefinite under 35 USC 112, second paragraph. See MPEP 2173.02. Applicant is requested to rewrite the claim to the specific limitations.

Any claim not directly rejected as been indefinite under 35 USC 112, second paragraph stands rejected due to its dependency

As per claims 17,19, and 21, they are rejected under the same analysis, as been indefinite under 35 USC 112, second paragraph as incorporation by reference to another claim.

As per claim 11, the claim recites on the limitations “a piece of information can be selected by”. The phrase “can be” raises uncertainty (doubt); it doesn’t means anything will be done. Therefore, there is no guarantee that the piece of information will be will be selected.

Applicant(s) is/are advised to amend the claim in order to solve the 112 rejections set forth in the claim.

As per claims 18 and 20, the term “so” recited in line 7 “claim 18” and lines 3 and 6 “claim 20” is a relative term, which renders the claim indefinite. The term “so” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the claim. It is unclear to the examiner what the limitation “so” is intended to cover in the claim based on the possible meanings of the word.

#### ***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically directed towards a non-functional descriptive material

data, *per se*. Claim 1 as written appears to be a mere data on a medium (nonfunctional descriptive material). Nonfunctional descriptive material recorded on a medium is not statutory since no requisite functionality is present to satisfy the practical application requirement. Thus the claim is rejected under 35 U.S.C. §101.

12. Claims 21 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically directed towards a program, *per se*. Claims 21 and 22 as written and taken as a whole are directed to a mere program listing, i.e., to only its description or expression, which can be written on a piece of paper. The claims as written are not embodied on a computer-readable medium needed to realize the program's functionality.

Therefore, they are rejected under 35 U.S.C. 101 as being drawn to non-statutory subject matter.

13. To expedite a complete examination of the instant application, the claims rejected under 35 U. S. C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending the claims to place them within the four statutory categories of invention.

#### ***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatano, Ichiro et al. (European pat. No. 0 935 123 A2).

As per claim 1, Hatano Ichiro et al. disclose an apparatus and method for retrieving information such as a destination spot in a navigation device system (See Hatano Ichiro et al. Title, col.1, lines 5-11, and col.3, lines 11-17). In particular, Hatano Ichiro et al. disclose the claimed limitations of a plurality of pieces of information stored hierarchically by providing a storage unit (DK, 8) for storing a plurality pieces of information composing a hierarchical structure (See Hatano Ichiro et al. Fig.1 in conjunction with element 8, the Abstract, col.3, lines 18-24, col.7, lines 44-48, and col.8, lines 52-54); and various pieces of retrieval information so related to said plurality of pieces of information pieces of information as to be used for acquiring pieces of information belonging to lower layers of hierarchy by providing a retrieving unit 6 for retrieving one of the plural pieces of information (See Hatano Ichiro et al. Fig.1 in conjunction with element 6, the Abstract, and col.3, lines 29-30, line 41 through col.4, line 6).

As per claims 2 and 13, Hatano Ichiro et al. disclose the claimed limitations, wherein said information is map information by displaying a map for the existing facilities and places in response to an input (See Hatano Ichiro et al. Fig.4 in conjunction with element S17, and col.15, lines 9-15).

As per claim 3, Hatano Ichiro et al. disclose the claimed limitations, wherein said pieces of retrieval information correspond to various retrieval forms to be used to prompt a user to select the piece of information belonging to lower layers of hierarchy by means of input operations and adapted to acquire any of the retrieval forms by providing an interface unit 5

permitting a user to select information from the GPS by means of input device 10 wherein the user can input information via a voice recognition system 21 (See Hatano Ichiro et al. Fig. 1, in conjunction with elements 5, 10, 21, and col.13, lines 3-45).

As per claims 4 and 12, Hatano Ichiro et al. disclose the claimed limitations, wherein said retrieval forms include a list form for displaying a list of pieces of information belonging to lower layers of hierarchy in order to prompt the user to select any of said pieces of information and an input plate form for prompting the user to input a specific piece of information included in said pieces of information in order to select a piece of information belonging to a lower layer of hierarchy (See Hatano Ichiro et al. col.8, lines 46-51, Figs. 2A and 2B8, and col.8, line 55 through col.10, line 57).

As per claims 5 and 14, Hatano Ichiro et al. disclose the claimed limitations, wherein said information is map information; and said list form is designed to display a list of proper names of the areas contained in the map information (See Hatano Ichiro et al. Figs.4 and 5, col.14, line 47 through col.16, line 18).

As per claims 6 and 15, Hatano Ichiro et al. disclose the claimed limitations, wherein said information is map information; and said input plate form includes at least a letter template for specifying and inputting at least one of the Japanese alphabet letters or the English alphabet letters to be used to input information on the proper name of an area contained in the map information or a numeric keypad template for inputting proper numerical information relating to

the house-number (See Hatano Ichiro et al. Figs. 7A, 7B, 11A, 11B in conjunction with the voice recognition 21 and input device 10 to input information on a proper name)

As per claim 7, Hatano Ichiro et al. Disclose an apparatus and method for retrieving information such as a destination spot in a navigation device system (See Hatano Ichiro et al. Title, col.1, lines 5-11, and col.3, lines 11-17); a retrieval information acquiring section for acquiring pieces of retrieval information stored on said recording medium as a result of reading operation of the reading section (See Hatano Ichiro et al. Fig.1 in conjunction with element 8, the Abstract, col.3, lines 18-24, col.7, lines 44-48, and col.8, lines 52-54); a retrieval form acquiring section for acquiring information on retrieval forms related to the acquired pieces of retrieval information and adapted to prompt a user to select pieces of information belonging to lower layers of hierarchy by means of input operations (See Hatano Ichiro et al. col.5, lines 12-25; col.8, lines 46-51, Figs. 2A and 2B8, and col.8, line 55 through col.10, line 57); and an information selecting section adapted to recognize the pieces of information belonging to lower layers of hierarchy and selected as a result of the input operations using the retrieval forms contained in the acquired retrieval form information and acquire said pieces of information belonging to lower layers of hierarchy in response to the reading operation of said reading section (See Hatano Ichiro et al. col.8, lines 46-51, Figs. 2A and 2B8, and col.8, line 55 through col.10, line 57).

As per claims 8 and 16, Hatano Ichiro et al. disclose the claimed limitations, further comprising: a display device adapted to display various pieces of information by providing a

display unit device 12; and a display control unit 14 section for causing said display device to display retrieval forms according to the information on retrieval forms acquired by said retrieval form acquiring section and adopted to prompt to the user to select said pieces of information belonging to lower layers of hierarchy by means of input operations (See Hatano Ichiro et al. Fig.1 in conjunction with elements 12 and 14; col.7, line57 through col.8, line 10).

As per claims 9,19-24, the claims have substantially the same limitations as claim 7. These limitations have already been discussed in the rejection of claim 7. Therefore they are rejected on similar grounds corresponding to the arguments given for the rejected claim 7 above.

As per claim 10, Hatano Ichiro et al. disclose the claimed limitations, wherein said memory section stores retrieval information so as to be rewritable to other retrieval information on different retrieval forms (See Hatano Ichiro et al. col.7, lines 44-48).

As per claim 11, Hatano Ichiro et al. disclose the claimed limitations, wherein said memory section stores pieces of information having a data structure in which the pieces of information are related to each other in such a way that a piece of information can be selected by using any of various retrieval forms (See Hatano Ichiro et al. col.7, lines 44-48; Fig. 1, in conjunction with elements 5, 10, 21, and col.13, lines 3-45).

As per claim 17, Hatano Ichiro et al. disclose an apparatus and method for retrieving information such as a destination spot in a navigation device system (See Hatano Ichiro et al.

Title, col.1, lines 5-11, and col.3, lines 11-17) comprising: a memory section hierarchically storing a plurality of pieces of information (See Hatano Ichiro et al. Fig.1 in conjunction with element 8, col.7, lines 44-46); and an information retrieving device connected to the memory section by way of a network to retrieve and acquire information stored in said memory section (See Hatano Ichiro et al. Fig.1 in conjunction with element 6 permitting of retrieving one of the plural pieces of information stored in element 8, and col.8, lines 3-6).

As per claim 18, Hatano Ichiro et al. disclose an apparatus and method for retrieving information such as a destination spot in a navigation device system (See Hatano Ichiro et al. Title, col.1, lines 5-11, and col.3, lines 11-17) comprising: a memory section hierarchically storing a plurality of pieces of information (See Hatano Ichiro et al. Fig.1 in conjunction with element 8, col.7, lines 44-46); a terminal unit having an input section for specifying and inputting various pieces of information by input operations (See Hatano Ichiro et al. Fig.1 in conjunction with element 10, col.7, line 1; col.8, lines 31-45) and a display device adapted to display various pieces of information (See Hatano Ichiro et al. Fig.1 in conjunction with element 12); and a server unit having a memory section connected to the terminal unit by way of a network so as to be able to transmit and receive various pieces of information and hierarchically storing a plurality of pieces of information (See Hatano Ichiro et al. Fig.1 in conjunction with element 4), a retrieval information acquiring section for acquiring various pieces of retrieval information related to said pieces of information in order to acquire pieces of information stored in said memory section and belonging to lower layers of hierarchy (See Hatano Ichiro et al. Fig.1 in conjunction with element 6 permitting of retrieving one of the plural pieces of information stored

in element 8, and col.8, lines 3-6), a retrieval form acquiring section for acquiring information on retrieval forms related to the acquired pieces of retrieval information and adapted to prompt a user to select pieces of information belonging to lower layers of hierarchy by means of input operations (See Hatano Ichiro et al. Fig.1 in conjunction with elements 12 and 14; col.7, line57 through col.8, line 10), a display control (Fig.1 element 15) section for causing the display device (Fig.1 element 12) of the terminal unit to display the acquired retrieval form and an information selecting section adapted to recognize the pieces of information belonging to lower layers of hierarchy and selected as a result of the input operations using the retrieval forms displayed on the display device and display corresponding pieces of information belonging to lower layers of hierarchy to the display device (See Hatano Ichiro et al. col.7, line 58 through col.8, lines 1-10).

***Other Prior Art Made Of Record***

16. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

***Points Of Contact***

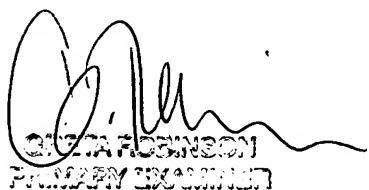
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 12, 2006



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